

D-13

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 25, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Issuance of Revocable Permit to Fireworks by Grucci, Inc. for Aerial Fireworks
Display at Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-057: seaward of 017.

APPLICANT:

Fireworks by Grucci, Inc. whose business and mailing address is 84-314 Makau Street,
Hawaii 96792-1829.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honouliuli situated at Ewa, Oahu, identified as seaward
of tax map key: (1) 9-1-057: seaward of 017, as shown on the attached Exhibit A.

AREA:

To be determined.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Set-up and firing of aerial fireworks display.

RENTAL:

Rental will be based on 10¢ per square feet per day.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for the firework display in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit. Due to the fact that the date and location of the firework display are not available now. It is proposed under the requested revocable permit, the Chairperson will be authorized to approve the firework display when the date and location are known, further subject to the standard condition provided in the revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated

within the past five years due to non-compliance with such terms and conditions.

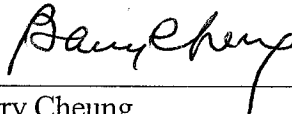
No comments were solicited from other government or community agencies. For Board's information, the permittee is required to obtain authorization from other governmental agencies, for example, Honolulu Fire Department, US Coast Guard, before any set up and display of firework.

There are no other pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board authorize the issuance of a revocable permit to Fireworks by Grucci, Inc. covering the subject area for set-up and conducting aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

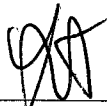
- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



EXHIBIT "A"

